

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

This document applies to:

ETHICON WAVE 4 CASES LISTED IN
EXHIBIT A

Master File No. 2:12-MD-02327
MDL 2327

JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT MOTION CHALLENGING
GENERAL-CAUSATION OPINIONS OF DONALD R. OSTERGARD, M.D.
FOR WAVE 4**

Defendants hereby adopt and incorporate by reference their *Daubert* motion challenging the general-causation opinion testimony of Donald R. Ostergard, M.D. filed in Ethicon Wave 3, Dkt. 2814 (motion) and Dkt. 2816 (memorandum in support). Defendants respectfully request that the Court exclude Dr. Ostergard's general-causation testimony, for the reasons expressed in the Wave 3 briefing. This notice applies to the Wave 4 cases identified in Exhibit A attached here.

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ Rita A. Maimbourg _____

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

/s/ David B. Thomas _____

David B. Thomas
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
dthomas@tcspllc.com

/s/ Christy D. Jones _____

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

CERTIFICATE OF SERVICE

I certify that on April 11, 2017, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Rita A. Maimbourg

Rita A. Maimbourg
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5002
rita.maimbourg@tuckerellis.com

EXHIBIT A

**LIST OF CASES TO WHICH MOTION TO EXCLUDE GENERAL-CAUSATION
TESTIMONY OF DONALD OSTERGARD, M.D. APPLIES**

1. *Lillian Datz, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-03735 (Prolene)
2. *Connie Sue Gibson, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-05142 (Prolift; TVT-S*)

* Dr. Ostergard offers no general-causation opinions on the TVT-S, and therefore the general-causation opinions he offers here do not apply to that product in *Gibson*.

**Defendants reserve the right to supplement this list should any plaintiff designate Dr. Ostergard as a general-causation expert in MDL Wave 4.